

### **DETAILED ACTION**

The amendment filed on 10/2/2009 is acknowledged. Claims 4-10 are currently pending.

The restriction requirement between product and process claims, as set forth in the Office action mailed on 5/9/2008, is hereby withdrawn. In view of the above noted withdrawal of the restriction requirement, applicant is advised that if any claim presented in a continuation or divisional application is anticipated by, or includes all the limitations of, a claim that is allowable in the present application, such claim may be subject to provisional statutory and/or nonstatutory double patenting rejections over the claims of the instant application. Once a restriction requirement is withdrawn, the provisions of 35 U.S.C. 121 are no longer applicable. See *In re Ziegler*, 443 F.2d 1211, 1215, 170 USPQ 129, 131-32 (CCPA 1971). See also MPEP § 804.01.

### **EXAMINER'S AMENDMENT**

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Sunhee Lee on January 6, 2010.

In claim 8, lines 1-4, delete [for modulating the activities of peroxisome proliferator activated receptors (PPARs) comprising a therapeutically effective amount of the compound or a salt defined in claim 10 as an active ingredient together with a pharmaceutically acceptable carrier] and replace with –comprising a compound according to claim 10 and a pharmaceutically acceptable carrier--.

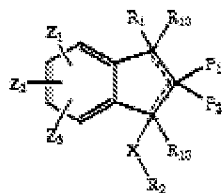
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In claim 10, line 1, delete [derivative of] and replace with --compound defined by--.

Cancel claims 5, 6, 7, and 9.

### ***REASONS FOR ALLOWANCE***

The following is an examiner's statement of reasons for allowance: The compound closest to the instantly claimed genus is the following structure taught by US patent 6,448,260:



Although the compounds of US patent 6,448,260 share a similar core structure with the instant invention, out of over 100 exemplified compounds in the '260 patent there are no examples with specific substitutions in positions 1, 2, 3, and 6 of the indene ring as claimed in the instant invention and the '260 patent is devoid of any teaching, suggestion or guidance to select such substitutions in those positions. Thus, the compounds of the instant invention are both novel and unobvious over the prior art.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***CONCLUSION***

Claims 4, 8, and 10 are allowed.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to BONG-SOOK BAEK whose telephone number is 571-270-5863. The examiner can normally be reached 9:00-6:00 Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ardin Marschel can be reached on 571-272-071818. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Brian-Yong S Kwon/  
Primary Examiner, Art Unit 1614  
/Bbs/

BONG-SOOK BAEK  
Examiner, Art Unit 1614